

### REMARKS

This Amendment is in response to the Office Action dated June 15, 2006. In the Office Action, claims 1-22 were rejected. With this Amendment, claims 1, 11 and 18 are amended and. Amendments are made to clarify the scope of the claims in accordance with the specification and the figures 2-1, 2-2 and 2-3. Such clarification coincides with what the Examiner had indicated and considered as being the scope of the claims. Therefore, no new search need be performed.

Before discussing each rejection made in the Office Action, it is noteworthy to address the description in the specification related to the prior art figure 1. Figure 1 illustrates a battery clamp where a first elongate clamp member is coupled to a cable. The cable is electrically coupled to a first jaw and a conductive piece and also can be coupled to a second jaw. Battery clamps provide a source of failure when testing batteries. Battery clamps can easily corrode in harsh environments. Claims of the present application provide a novel and non-obvious structure to easily replace clamps in the field by a user. At this point, the Examiner has relied on references that describe battery clamps similar in operation to the figure 1 prior art battery clamp. The Examiner has not cited a reference that teaches a structure as claimed for replacing battery clamps in the field by a user.

Claims 1, 3-4, 7-9, 18 and 22 were rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf (US 3,267,452) in view of Kowalski et al. (U.S. 5,772,468). It is respectfully submitted that claims 1, 3-4, 7-9, 18 and 22 are in condition for allowance as including elements not taught or suggested by the combination of cited references.

On pages two and three of the Office Action, the Examiner states that Wolf does not explicitly disclose “the first hand grip having a first hole formed therein”, “a terminal electrically coupled to an end of the cable and “a removable fastener which couples the terminal to the first hand grip through the first hole and the terminal hole whereby the first hand grip can be disconnected from the cable”. The Examiner further states that Kowalski et al. teaches these elements in FIG. 3. Applicant respectfully disagrees. Kowalski et al. fails to disclose a first hole which is aligned with a terminal hole of a terminal that is electrically coupled to the end of the cable. The terminal end portion 50 of Kowalski et al. does not include a hole and there is no terminal hole in the terminal end portion 50 that aligns with a first hole. Kowalski et al. also fails

to disclose a removable fastener that fastens the terminal to the first hand grip through the first hole. The terminal end portion 50 of Kowalski et al. is crimped to the cable 48 and, therefore, neither includes a removable fastener nor a removable fastener through a first hole.

On page nine of the Office Action, the Examiner states that “having a hole at a handle or different part of the clamp body by itself is not novel means of connection.” The Examiner cites *In re Japikes*, 85 USPQ 70 (CCPA 1950) to support the obviousness rejections to the claims. In *In re Japikes*, it was held that there would be no invention in shifting the starting switch to a different position because such a change in position would not modify the operation of the device. It is respectfully submitted that the application of *In re Japikes* is an inappropriate use of legal precedent. First, the present invention does not purport changing the location of the hole in the battery clamp. In fact, the present invention attempts to claim a hole in the first hand grip of clamp in order to accommodate new features of the clamp. Second, placing a hole in the first hand grip modifies the operation of the device such that a clamp can be easily replaced in the field by a user.

It is respectfully submitted that independent claims 1 and 18 are in condition for allowance as being patentable over Wolf in view of Kowalski et al. Claims 3-4, 7-9 and 22 are also in condition for allowance for at least depending on allowable base claims 1 and 18. However, claims 3-4, 7-9 and 22 are allowable over the cited references for further reasons. For example, the Examiner cites reference numeral 42 of Kowalski et al. as being a tin-plated ring on page four of the Office Action. It is respectfully submitted that reference numeral 42 is clearly illustrated in FIG. 3 as being a fastener in the shape of a screw. Such a feature is neither a ring nor described in the Kowalski et al. as being of a tin-plated material.

Claims 2 and 19-20 were rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf in view of Kowalski et al. and further in view of Johnson (US 4,969,834). It is respectfully submitted that claims 2 and 19-20 are in condition for allowance for at least depending on allowable base claims 1 and 18. However, claims 2 and 19-20 are allowable over the cited references for further reasons. For example, the cited references fail to teach or suggest connecting a first portion of a first electrical connector from the first plug to the clamp and connecting a second portion of the first electrical connector from the second plug to the cable as

well as connecting a first portion of a second electrical connector from the second plug to the clamp and connecting a second portion of the second electrical connector from the second plug to the cable. Johnson merely teaches a connecting means for connecting to both a first clamp and a second clamp.

Claims 5-6 were rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf in view of Kowalski et al. and further in view of Vonderhaar et al. (US 6,469,511). It is respectfully submitted that claims 5 and 6 are in condition for allowance for at least depending on allowable base claim 1.

Claim 10 was rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf in view of Kowalski et al. and further in view of Hatrock (US 4,983,086). It is respectfully submitted that claim 10 is in condition for allowance at least depending on allowable base claim 1.

Claims 11-14 were rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf in view of Kowalski et al. and further in view of Johnson. It is respectfully submitted that the It is respectfully submitted that claims 11-14 are in condition for allowance as including elements not taught or suggested by the combination of cited references.

As previously discussed with respect to the rejection of claims 1 and 18, Kowalski et al. fails to disclose a first hole which is aligned with a terminal hole of a terminal that is electrically coupled to the end of the cable. The terminal end portion 50 of Kowalski et al. does not include a hole and there is no terminal hole in the terminal end portion 50 that aligns with a first hole. Kowalski et al. also fails to disclose a removable fastener that fastens the terminal to the first hand grip through the first hole. The terminal end portion 50 of Kowalski et al. is crimped to the cable 48 and, therefore, neither includes a removable fastener nor a removable fastener through a first hole.

As also previously discussed with respect to the rejection of claims 1 and 18, it is respectfully submitted that the application of *In re Japikes* is an inappropriate use of legal precedent. First, the present invention does not purport changing the location of the hole in the battery clamp. In fact, the present invention attempts to claim a hole in the first hand grip of clamp in order to accommodate new features of the clamp. Second, placing a hole in the first

hand grip modifies the operation of the device such that a clamp can be easily replaced in the field by a user.

It is respectfully submitted that independent claim 11 is in condition for allowance as being patentable over Wolf in view of Kowalski et al. and further in view of Johnson. Claims 12-14 are also in condition for allowance as at least depending on allowable base claim 11.

Claims 15-16 were rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf in view of Kowalski et al., in view of Johnson and further in view of Vonderhaar et al. It is respectfully submitted that claims 15 and 16 are in condition for allowance for at least depending on allowable base claim 11.

Claim 17 was rejected under 35 U.S.C § 103(a) as being unpatentable over Wolf in view of Kowalski et al. in view of Johnson and further in view of Hatrock. It is respectfully submitted that claim 17 is in condition for allowance for at least depending on allowable base claim 11.

Claim 21 was rejected under 35 U.S.C § 103(a) as being unpatentable over Kowalski et al., in view of Vonderhaar et al. It is respectfully submitted that claim 21 is in condition for allowance for at least depending on allowable base claim 18.

It is respectfully submitted that claims 1-22 are in condition for allowance. Favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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